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SERVICE DATE - JANUARY 8, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 235X)

NORFOLK SOUTHERN RAILWAY COMPANY—ABANDONMENT  
EXEMPTION—IN McDOWELL COUNTY, WV

Decided: January 3, 2002

Norfolk Southern Railway Company (NSR) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 4.58-mile line of railroad between milepost RP-0.0 at Roderfield and milepost RP-4.58 at Premier, in McDowell County, WV. Notice of the exemption was served and published in the Federal Register on December 10, 2001 (FR 66 63743-44). The exemption is scheduled to become effective on January 9, 2002.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on December 14, 2001. In the EA, SEA states that the National Geodetic Survey (NGS) has identified two geodetic station markers that may be affected by the proposed abandonment. NGS requests that it be notified 90 days in advance of any activities that may disturb or destroy these markers in order to plan for their relocation. Therefore, SEA recommends that a condition be imposed requiring NSR to consult with the NGS and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic station markers in order to plan for their relocation.

SEA also states that the West Virginia Department of Culture and History has not yet completed its review of the proposed abandonment. Therefore, SEA recommends imposition of a condition requiring NSR to retain its interest in and take no steps to alter the historic integrity of the line and all sites and structures on the line until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA).

The recommended conditions will be imposed. As conditioned, this decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.

2. Upon reconsideration, the exemption of the abandonment of the line described above is subject to the conditions that NSR: (a) consult with NGS and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic station markers in order to plan for their relocation; and (b) retain its interest in and take no steps to alter the historic integrity of the line and all sites and structures on the line until completion of the section 106 process of the NHPA.

3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary